IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 31202 of 2003(M)

PETITIONER:

LISSIAMMA, AGED 43,
D/O. VARGHESE, SHALEM, PERUMPAZHUTHOOR P.O.,
NEYYATTINKARA.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS:
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1. THE SPECIAL SALE OFFICER,
NEYYATTINKARA PRIMARY CO-OPERATIVE AGRICULTURAL
DEVELOPMENT BANK LTD. NO.T.417.

2. THE JOINT REGISTRAR,
CO-OPERATIVE SOCIETY, THIRUVANANTHAPURAM.

3. THE SECRETARY,
NEYYATTINKARA PRIMARY CO-OPERATIVE AGRICULTURAL
DEVELOPMENT BANK LTD. NO.T.417.

4. SMT.PRAMILA VIOLET JOHN, AGED 37,
S/O. JOHN D., RESIDING AT PRAMEELA BHAVAN,
PERUMPAZHUTHOOR P.O., NEYYATTINKARA.

BY ADV. SRI.V.G.ARUN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.31202/2003

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE NOTICE DT. 31.3.2000.

EXT.P2 : TRUE COPY OF THE JUDGMENT DT. 22.11.2000 IN O.P.NO.19224/2000.

EXT.P3 A TRUE COPY OF THE RECEIPT DATED 7.8.2000.

EXT.P3 B : TRUE COPY OF THE RECEIPT DT. 6.9.2000.

EXT.P3C : TRUE COPY OF THE RECEIPT DT. 18.12.2000.

EXT.P3D : TRUE COPY OF THE RECEIPT DT. 27.2.2001.

EXT.P3E: TRUE COPY OF THE RECEIPT DT. 27.2.2001.

EXT.P3F TRUE COPY OF THE RECEIPT DT. 27.2.2001.

EXT.P3G TRUE COPY OF THE RECEIPT DT. 28.4.2001.

EXT.P3H TRUE COPY OF THE RECEIPT DT. 29.5.2001.

EXT.P4 TRUE COPY OF THE REPRESENTATION DT. 23.3.2002.

EXT.P5 TRUE COPY OF THE INTIMATION DT. 30.3.2002 RECEIVED BY THE PETITIONER.

EXT.P6 TRUE COPY OF THE NOTICE DT. 8.7.2003.

EXT.P7 TRUE COPY OF THE JUDGMENT DT. 22.11.2000 IN O.P.NO.19223/00.

EXT.P8 TRUE COPY OF THE PROPOSAL FOR ONE TIME SETTLEMENT DT. 27.9.2003.

EXT.P9 TRUE COPY OF THE ADVERTISEMENT DT. 7.2.2005 APPEARED IN THE DAILY ON 9.2.2005.

EXT.P10 TRUE COPY OF INTIMATION DT. 22.2.2005.

RESPONDENTS' EXHIBITS :

EXT.R3A : TRUE COPY OF THE STATEMENT OF ACCOUNTS AS ON 21.2.2005 AND 31.3.2005 IN RESPECT OF THE LOANS.

EXT.R3B TRUE COPY OF THE CERTIFICATE NO.A5-1592/2001/K.DIS. DT. 18.1.2001.

EXT.R3C TRUE COPY OF THE MAHAZAR FOR THE AUCTION DT. 21.2.2005.

EXT.R3D TRUE COPY OF THE COMPLAINT FILED BY THE BANK DT. 19.11.1999.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.31202 of 2003

Dated 21st March, 2007.

J U D G M E N T

Petitioner is aggrieved by the coercive steps taken by the respondents 1 to 3 for sale of the property. On 18.3.2005, this Court passed the following interim order :-

> "Heard both the petitioner and the learned counsel for the respondents. There will be an interim direction not to confirm the sale in respect of 1 acre 75 cents of property comprised in Survey No.427/1-A of Perumpazhathoor village as per sale deed No.858/89 on condition that the petitioner shall pay an amount of Rs.34,000/- (Rupees thirty four thousand) on or before 30.3.2005."

Counsel for the petitioner submits that the petitioner is prepared to pay the entire dues to the society. Petitioner may approach the third respondent along with a copy of this judgment within one month from today. Thereafter, the third respondent will issue a statement of accounts to the petitioner within another one month and if necessary, will permit the petitioner to peruse the records. In case the petitioner has any dispute on the statement of accounts, it will be open to her to point out the same before the second respondent, in which case, the matter will be duly considered by the said authority and appropriate action in accordance with law will be taken with notice to the petitioner,

respondents 3 and 4, and any other affected party, within another two months. It is made clear that the statement of accounts shall confine only to that liability for which the sale is referred to in the interim order extracted above. The fate of the payment made based on the interim order will depend on the order thus passed by the second respondent.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 21st March, 2007.